

Tara Daniels
806 Long Hill Road
Middletown, CT 06457

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut
Department of Public Health

vs.

Tara Daniels, LPN
Licensed Practical Nurse License No. 022389
Respondent.

CASE PETITION NO. 970910-011-026

MEMORANDUM OF DECISION

PROCEDURAL BACKGROUND

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health (hereinafter the "Department") with a Statement of Charges and Motion for Summary Suspension dated October 30, 1997 (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Tara Daniels (hereinafter the "Respondent") which would subject the Respondent's Licensed Practical Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

Based on the allegations in the Statement of Charges and accompanying affidavits and reports, the Board found that the continued nursing practice of the Respondent presented a clear and immediate danger to public health and safety. On November 5, 1997, the Board ordered, pursuant to its authority under §4-182(c) and §19a-17(c) of the General Statutes of Connecticut, that the Licensed Practical Nurse license of the Respondent be summarily suspended pending a final determination by the Board of the allegations contained in the Statement of Charges (Department Exhibit 1).

The Board issued a Notice of Hearing dated November 5, 1997, scheduling a hearing for November 19, 1997 (Department Exhibit 1).

The Respondent was provided notice of the hearing and charges against her. Department Exhibit 1 indicates that the Summary Suspension Order, Statement of Charges and Notice of Hearing were served on the Respondent by Deputy Sheriff on November 10, 1997.

The hearing took place on November 19, 1997, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. The Respondent was not present during the hearing and was not represented by counsel. (Hearing Transcript, November 19, 1997, p. 2)

The Respondent did not file an answer to the Statement of Charges.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. The Respondent was issued Licensed Practical Nurse Number 022389 on December 1, 1987. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-A)
2. Pursuant to a Memorandum of Decision dated February 5, 1997, the licensed practical nurse license of the Respondent was placed on probation for a period of two (2) years effective February 15, 1997. In addition, the Respondent was assessed a civil penalty in the amount of five hundred dollars (\$500.00) which was payable on or before August 15, 1997. The

disciplinary action was ordered based on findings by the Board that the Respondent verbally abused and used excessive force with a patient; improper medication administration and medication documentation practices; use of profanity while on duty; and engaging in inappropriate sexual conduct with a male visitor while on duty. (Department Exhibit 1-B)

3. Between February 1988 and July 1997, while the holder of a licensed practical nurse license in the State of Connecticut, the Respondent has used and abused the controlled substance Cocaine and has used and abused alcohol. A urine alcohol and drug screen to which the Respondent submitted on July 17, 1997 was positive for the presence of Cocaine. (Department Exhibit 1-G, under seal)
4. The Respondent has undergone chemical dependency treatment during March 1997; June to July 1997; and July to August 1997. (Department Exhibit 1-C, 1-G)
5. The Respondent has failed to pay the \$500.00 civil penalty assessed pursuant to the Memorandum of Decision dated February 5, 1997. (Department Exhibit 1-F)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Tara Daniels held a valid Licensed Practical Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided legal notice as mandated by the General Statutes of Connecticut §4-177(a) and (b), and §4-182(c). The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19a-9-1 through §19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

The FIRST COUNT of the Statement of Charges alleges that while the holder of a licensed practical nurse license in the State of Connecticut, the Respondent:

- used and/or abused cocaine between February 1988 and February 1996.
- used and/or abused crack cocaine between February 1996 and July 1997.
- abused alcohol between February 1996 and July 1997.

It is further alleged that the Respondent's abuse of crack cocaine and/or cocaine and/or alcohol does or may effect her practice as a licensed practical nurse.

The Respondent did not file an answer to the Statement of Charges. Pursuant to §19a-9-20 of the Regulations of Connecticut State Agencies the Board deems the charges in the First Count of the Statement of Charges to admitted.

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals...."

The Board concludes that the Respondent's conduct as alleged in the First Count of the Statement of Charges is proven and that said conduct constitutes a violation of the General Statutes of Connecticut §20-99(b)(5). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The SECOND COUNT of the Statement of Charges alleges that the Respondent violated the provisions of a Memorandum of Decision issued by the Board on February 5, 1997. It is alleged the Respondent failed to pay an ordered \$500.00 civil penalty.

The Respondent did not file an answer to the Statement of Charges. Pursuant to §19a-9-20 of the Regulations of Connecticut State Agencies the Board deems the charges in the Second Count of the Statement of Charges to admitted.

The Board concludes that the Respondent's conduct as alleged in the Second Count of the Statement of Charges is proven and that said conduct constitutes a violation of a Memorandum of Decision dated February 5, 1997. Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for the First Count and the Second of the Statement of Charges, the Respondent's licensed practical nurse license, No. 022389, is revoked effective the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

The Board of Examiners for Nursing hereby informs the Respondent, Tara Daniels, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Wethersfield, Connecticut this 15th day of April 1998.

BOARD OF EXAMINERS FOR NURSING

By

